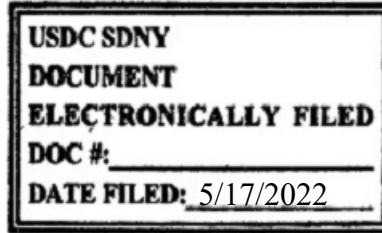


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MEMO ENDORSED

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May 12, 2022

By ECF

Hon. Barbara Moses, U.S.M.J.
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 740
New York, NY 10007

**Re: *Dish Network L.L.C., et al. v. Asia TV USA Ltd., et al.*, No. 19 Civ. 21 (VSB) (BCM)
Letter Motion for Leave to Redact Confidential Information from Transcript**

Dear Judge Moses:

On behalf of Plaintiffs DISH Network L.L.C. and Sling TV L.L.C. (“Plaintiffs”), we submit this letter motion for leave to redact certain information from the transcript of the hearing held before this Court on April 7, 2022. Enclosed are (i) a copy of the proposed redacted transcript and (ii) a copy of the unredacted transcript with the proposed redactions marked. Defendants consent to the requested redactions.

The information Plaintiffs seek to redact includes highly confidential, commercially sensitive information relating to their television programming license terms, including terms relating to advertising minutes under their agreements with Defendants, which, if publicly disclosed, would cause Plaintiffs significant competitive harm. *See, e.g., CBS Corp. v. FCC*, 785 F.3d 699, 702 (D.C. Cir. 2015) (carriage agreements should not be publicly disclosed because if AT&T’s contracts with Disney were publicly disclosed, it would “be a simple matter for, say, Fox to peruse those documents, figure out what Disney charges for ESPN, and then price its own sports channel accordingly”); *Mars, Inc. v. JCM Am. Corp.*, 2007 WL 496816, at *2-3 (D.N.J. Feb. 13, 2007) (permitting filing under seal where party was contractually obligated to keep information confidential and disclosure would “dampen [plaintiff’s] ability to negotiate effectively favorable terms” in the future); *Apple Inc. v. Samsung Elecs. Co., Ltd.*, 2013 WL 3958232, at *3-4 (N.D. Cal. July 29, 2013) (granting motion to seal information regarding scope of license because disclosure could “place Rovi in a diminished bargaining position in future negotiations with potential customers and competitors, thereby causing significant harm to Rovi’s competitive standing”); *Ovonic Battery Co., Inc. v. Sanyo Elec. Co., Ltd.*, 2014 WL

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2758756, at *2 (N.D. Cal. June 17, 2014) (permitting redaction of “highly confidential and sensitive financial and other terms of licenses . . . including the scope of SANYO’s and Panasonic’s respective rights to use OBC’s patents in its various battery products, and the royalty payments SANYO is obligated to make to OBC”); *Wyeth v. Medtronic, Inc.*, 2008 WL 11381926, at *3 (D.N.J. Apr. 28, 2008) (permitting redaction of provisions reflecting “the scope of the parties’ rights,” “royalty provisions,” and “licensing terms”). This information is also identical, or materially similar, to the information the Court has permitted Plaintiffs to redact in their prior filings. *See* Docs. 70, 143, 228, 270, 298, 314, 327, 339, 366, 377, 379, 383, 416, 441, 447.

In accordance with Rule 3.e of the Court’s Individual Practices, we respectfully submit that the requested redactions are narrowly tailored to protect against harmful disclosure of the parties’ commercially sensitive, proprietary information. We appreciate the Court’s consideration of this redaction request.

Respectfully submitted,

STEPTOE & JOHNSON LLP

/s/ Elyse D. Echtman

Elyse D. Echtman

Enclosures

cc: All counsel of record, via ECF

Application GRANTED IN PART. The proposed redactions at 20:20, 20:25, 21:4-5, and 23:4 are approved as presented to the Court. At 20:21, the first word in the line may be redacted. Similarly, at 21:2, the first word in the line may be redacted. At 21:15, the first two words proposed for redaction may be redacted. All remaining proposed redactions are disallowed. Plaintiffs are directed to submit a redacted transcript for the Court’s review no later than **May 23, 2022**, via email. The original transcript at Dkt. No. 498 shall remain sealed and the redacted transcript, once reviewed by the Court, will be publicly filed. SO ORDERED.



BARBARA MOSES
United States Magistrate Judge
May 17, 2022